

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 6:070. Boat dealers.

RELATES TO: KRS 235.040, 235.220

STATUTORY AUTHORITY: KRS 235.220(1)

NECESSITY, FUNCTION AND CONFORMITY: KRS 235.220 authorizes the department to establish an annual registration fee for a manufacturers or dealer of motorboats in the state of Kentucky. This administrative regulation establishes the annual registration fee for boat manufacturers and dealers and establishes the requirements for registering as a boat manufacturer and boat dealer.

Section 1. Definitions. (1) "Boat dealer" means a person who is in the business of selling motorboats in Kentucky, other than a personal boat.

(2) "Boat manufacturer" means a person who is in the business of manufacturing boats in Kentucky.

(3) "Dealer or manufacturer certificate" means the certificate issued to a boat manufacturer or boat dealer that bears an identification number assigned by the department signifying registration as a boat manufacture or a boat dealer.

(4) "Plate" means a moveable identification tag bearing a number assigned by the department signifying registration as a boat manufacture or a boat dealer.

Section 2. Application. (1) A person shall apply annually for a boat manufacturer's or boat dealer's registration on an application provided by the department or via the department's Internet site.

(2) A new application for annual registration shall be submitted each year to the department. Boat manufacturer and dealer certificates and plates shall expire April 30 of each year.

(3) Information to be provided on the application shall include:

(a) Name, address, and contact information;

(b) Address of business;

(c) Number of boats manufactured or sold in the year prior to application;

(d) Type of vessel manufactured or sold; and

(e) Copy of the Sales and Use Tax Permit issued by the Revenue Cabinet. If an applicant is using the Internet to process his or her application, he shall insert the six (6) digit account number issued by the Revenue Cabinet on the Sales and Use Tax Permit.

(4) A manufacturer shall include on an application for annual registration the assigned U.S. Coast Guard assigned manufacturers identification code.

(5) An applicant shall include a \$100 annual registration fee with his or her application.

(6) The registration provisions of this section shall not apply to licensed out-of-state manufacturers and dealers who are attending boat shows and other temporary exhibitions in Kentucky, provided their home state grants Kentucky manufacturers and dealers similar reciprocal privileges.

Section 3. Certification and Plate. (1) Boat manufacturers and dealers shall place in a conspicuous location at his or her place of business, the certificate issued by the department.

(2) The plate shall be kept aboard a boat and readily available for inspection by a law enforcement officer. The boat shall also abide by the registration requirements of KRS 235.220.

Section 4. Revocation of Certificate and Registration. A boat dealer or manufacturer shall forfeit his or her registration certificate and plate if he or she has:

- (1) Been convicted of a violation of KRS Chapter 235;
- (2) Falsified his or her application for certification as a boat manufacturer or dealer; or
- (3) Misused his or her boat dealer or manufacturer certification and plate.

Section 5. Incorporation by Reference. (1) The Annual Application for Boat Manufacturer or Boat Dealer Registration, 2003 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane~~[Game Farm Road]~~, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 14, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021 at 3:00 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone: (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: The regulation authorizes the department to establish an annual registration fee for a manufacturers or dealer of motorboats in the state of Kentucky.

(b) The necessity of the administrative regulation: The regulation establishes the annual registration fee for boat manufacturers and dealers and establishes the requirements for registering as a boat manufacturer and boat dealer.

(c) How does this administrative regulation conform to the authorizing statute: This regulations established the annual registration fee for manufacturers or dealers of motorboats as required by KRS 235.220(1).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets out the specific process and fee amounts for manufacturers and dealers in motorboats.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: The amendment updates address for the Department of Fish and Wildlife Resources where individuals can inspect the material incorporated by reference to the regulation.

(b) The necessity of the amendment to this administrative regulation: It is necessary to provide accurate information to the public who may wish to inspect the material incorporated by reference.

(c) How does the amendment conform to the authorizing statutes: The amendment does not make any changes to the substance of the regulation.

(d) How the amendment will assist in the effective administration of the statutes: It assists in the effective administration of the statutes by providing accurate location information for the inspection of the material incorporated by reference.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All manufacturers and dealers in of motorboats within the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Complying with the amendment will not require any added costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): While the location of the building where the material incorporated by reference has not changed, the mailing address has. The benefit will be ease of locating the office where the material incorporated by reference may be inspected.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no added cost initially.

(b) On a continuing basis: There will be no continuing added cost..

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. The administrative regulation establishes direct registration fees for manufacturers and dealers in motorboats. The amendment makes no changes to those fees.

(9) TIERING: Is tiering applied? Tiering was not used as all entities shall be treated equally regarding applicable registration fees.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 235.220

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment to the regulation will have no impact upon the revenues generated as the fees remain unchanged.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment to the regulation will have no impact upon the revenues generated as the fees remain unchanged.

(c) How much will it cost to administer this program for the first year? This amendment will not result in any no added cost to administer the program.

(d) How much will it cost to administer this program for subsequent years? This amendment will not result in any no added cost to administer the program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: